
TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

In re application of : Ashby, et al.
Assignee : Lifetime Products, Inc.
Application No. : 10/789,859
For : TABLE WITH DRAWER
Filed : February 27, 2004
Examiner : Hanh Van Tran
Group Art Unit : 3637
Confirmation No. : 8490
Customer No. : 022913

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, through its attorney of record, represents that it is the owner of the entire interest in the above-identified patent application. Assignee is the owner of this application because the inventors assigned all of their rights in this application to the Assignee. A certificate under 37 CFR § 3.73(b) establishing ownership of this application by the Assignee is being filed herewith.

Assignee, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of prior United States Patent No. 7,059,254 as the term of said prior patent is presently shortened by any terminal disclaimer. Assignee agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

Assignee, however, does not disclaim the terminal part of the term of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Assignee hereby declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

This terminal disclaimer is accompanied by the fee set forth in 37 C.F.R. § 1.20(d) in the amount of \$130.00. The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178.

If any additional extension of time is required in connection with this terminal disclaimer or any communication filed herewith, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 28 day of March, 2007.

Respectfully submitted,

WORKMAN NYDEGGER

By: 
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